

NO. 12372
FILED WITH SECRETARY OF STATE
Date Filed 9-22-87
Rose Moffatt
Secretary of State

JPA: 87-670

Project: VLT-900-942

Section: Catalina State Park Phase 2

INTERAGENCY AGREEMENT
BETWEEN
ARIZONA DEPARTMENT OF TRANSPORTATION
AND
ARIZONA STATE PARKS BOARD

THIS AGREEMENT entered into this 22nd day of September, 1987, between the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "ADOT", and the Arizona State Parks Board, hereinafter called "Parks Board".

WHEREAS, ADOT is empowered by Sections 28-108 and 11-952, Arizona Revised Statutes (A.R.S.) to enter into this agreement, and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of State; and

WHEREAS, Parks Board is empowered by Section 41-511:05, Arizona Revised Statutes, to enter into this agreement, and acting by and through its Director, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of Parks Board; and

WHEREAS, this is an agreement between ADOT and the Parks Board regarding the acquisition of drainage easements, construction easements and fee simple rights of way for the purposes, as promulgated in A.R.S. Section 28-1822 (A)(8).

WHEREAS, By Resolution #68, the Parks Board has designated roads, spurs and other traffic related appurtenances within State Park boundaries as public highways for the purpose of constructing revetments within the Catalina State Park.

THEREFORE, the parties hereto agree as follows:

ADOT SHALL:

1. Construct revetments within the Catalina State Park along portions of the Canada del Oro and the Sutherland Washes in order to reduce the potential for wash out of the park roads.
2. Pay construction costs not to exceed \$350,000.00 required for said improvements pursuant to A.R.S. 28-1822, et. seq.
3. Where necessary, acquire in the name of the Parks Board additional rights of way for purposes of roadway construction.

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4. Construct, in accordance with the specific job plans and specifications, the improvements as set out therein.

PARKS BOARD SHALL:

1. Provide design information as required.
2. Provide to ADOT necessary permits allowing for the contemplated construction.
3. Be responsible for the maintenance and operation of said Park improved facilities.

It is further agreed by and between the parties hereto that:

THIS AGREEMENT shall remain in full force and effect until completion of said projects; provided, however, that this agreement may be cancelled at any time prior to the commencement of work by ADOT upon 30 days written notice to the other party.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

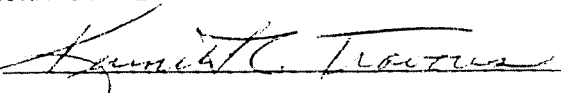
In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518(B) and (C) of Arizona Revised Statutes as amended.

Attached hereto and incorporated herein by reference is a copy of ADOT's resolution authorizing entry into this agreement, a copy of Park Board's resolution authorizing entry into this agreement, and the Attorney General's acceptance as to form.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

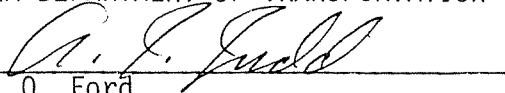
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

ARIZONA STATE PARKS BOARD

By: 
Title: Executive Director

STATE OF ARIZONA

ARIZONA DEPARTMENT OF TRANSPORTATION

By: 
for W. O. Ford
State Engineer

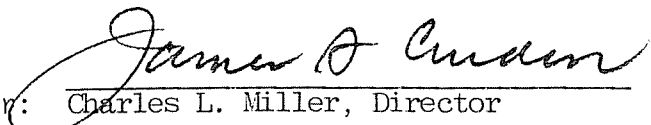
PROJECT: N-900-943, et al

RESOLUTION

BE IT RESOLVED on this 4th day of August, 1936, that I,
CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION,
have determined that it is in the best interests of the State of Arizona
that the DEPARTMENT OF TRANSPORTATION, acting by and through the
Highways Division, enter into an Intergovernmental Agreement with the
Arizona State Parks Board wherein the Department of Transportation will
improve various areas of State Parks lands including but not limited to
drainage easements, construction easements and road rights of way.

THEREFORE, authorization is hereby given to draft said Agreement which,
upon completion, shall be submitted for approval and execution by the
State Engineer.

JAMES S. CREEDON, Deputy Director


for: Charles L. Miller, Director
Arizona Department of Transportation

WAH:ks

Joni Bosh, Secretary for the Arizona State Parks Board, 800 W. Washington, Phoenix, Arizona 85007, presented the following Resolution and moved its adoption:

RESOLUTION NO. 68

**By the Arizona State Parks Board
Authorizing the Execution of the Intergovernmental
Agreement with the
Department of Transportation**

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, **BE IT RESOLVED** on this 25th day of June 1987, that **THE ARIZONA STATE PARKS BOARD** determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the **ARIZONA DEPARTMENT OF TRANSPORTATION** wherein the **ARIZONA DEPARTMENT OF TRANSPORTATION** will improve various areas within Catalina State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Catalina State Park for the purpose of constructing revetments under the Interagency Agreement, Project VLT-900-942.

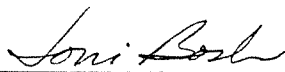
THEREFORE, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

After general discussion, the motion to adopt said resolution was seconded by Ronald Pies and was unanimously carried by the members present who are as follows:

Duane Miller
M. Jean Hassell
Ronald Pies
Joni Bosh

Thereupon, Duane Miller, Vice Chairman of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On June 25, 1987, the aforementioned Resolution was passed and adopted by the Arizona State Parks Board in Regular Session.



Joni Bosh, Secretary

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 87-2053, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 2nd day of September, 1987.

ROBERT K. CORBIN
Attorney General

Albert Meyer
Assistant Attorney General
Transportation Division